

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Burvin Stevenson**

Docket No. **280512**

L.C. No. **99-022960 FC**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed on September 7, 2007, is DISMISSED for lack of jurisdiction because the application for leave to appeal was not filed within 12 months of the May 2001 judgment of sentence as required by MCR 7.205(F)(3) and the renewed request for appellate counsel that resulted in the July 2007 order of appointment of counsel was not made within 12 months of the judgment of sentence as required by MCR 7.205(F)(4). See *People v Houlihan*, 480 Mich 1165 (2008), citing *Simmons v Kapture*, 516 F3d 450 (CA6, 2008), for the rule that *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed2d 552 (2005), does not have retroactive application.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 11 2008

Date

Sandra Schultz Mengel

Chief Clerk